### UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA ATHENS DIVISION

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Oct. 23, 2007

E. J. S. DISTRICT C.
MIDDLE DISTRICT OF GEORGIA

CASE NO.: 3:04-CV-039 (CDL)

SCARLET REYNA and MARIA ORTEGA,

**Plaintiffs** 

-vs-CONAGRA FOODS, INC. and PILGRIM'S PRIDE CORPORATION OF DELAWARE, Inc. as Successor-in-Interest to CONAGRA POULTRY COMPANY,

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# VERDICT FORM AND SPECIAL INTERROGATORIES TO THE JURY

#### **SECTION I**

RACE AND/OR NATIONAL ORIGIN HOSTILE WORK ENVIRONMENT CLAIMS

### Do you find from a preponderance of the evidence:

- A. With regard to Plaintiff Reyna:
- 1. That Plaintiff Reyna was subjected to a hostile or abusive work environment because of her race and/or national origin?

Answer Yes or No

yes\_

	2.	That such hostile or abusive w	ork environment was created
and/d	or per	mitted by a supervisor with imm	nediate or successively higher
autho	ority o	ver the Plaintiff?	
		Answer Yes or No	Yes
	3.	That Plaintiff Reyna suffered of	damages as a proximate or legal
resul	t of su	uch hostile or abusive work env	ironment?
		Answer Yes or No	Yes
	Note	If you answered No to preceding three questi not answer the remain in this sub-section and sub-section B.	ons, you need ing questions
	4.	That the Defendants exercised	d reasonable care to prevent and
corre	ect pro	omptly any racially harassing be	havior in the workplace?
		Answer Yes or No	No
	5.	That Plaintiff unreasonably fai	led to take advantage of any
prev	entive	or corrective opportunities prov	vided by the Defendants to avoid
or co	rrect t	the harm?	
		Answer Yes or No	No

Note:	If you answer "yes" to both of the preceding two
	questions, you should skip the remaining
	questions in this sub-section and go to sub-
	section B

6. That Plaintiff Reyna should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No  $\underline{\qquad \qquad \checkmark e \leq \qquad}$ 

7. If you have awarded damages in the preceding question, do you find that punitive damages should be assessed against Defendants based upon Defendants' malice or reckless indifference to the Plaintiff's federally protected rights?

Answer Yes or No

# B. With regard to Plaintiff Ortega:

	1.	That	Plaintiff C	Ortega was su	bjected	d to a host	ile or abus	sive work
envir	onme	nt bed	ause of h	er race and/o	r natior	nal origin?		
		Ansv	er Yes o	· No		tes	-	
	2.	That	such hos	tile or abusive	work (	environme	nt was cre	eated
and/d	or per	mitted	by a sup	ervisor with in	nmedia	te or succ	essively h	igher
autho	ority o	ver the	e Plaintiff	?				
		Ansv	er Yes o	· No	<u> </u>	e S	-	
	3.	That	Plaintiff C	Ortega suffere	d dama	ages as a	proximate	or legal
resul	t of su	ich ho	stile or at	ousive work e	nvironn	nent?		
		Ansv	er Yes o	· No	<u> </u>	e S	-	
	Note	:	precedii not ansv	nswered No to ng three ques wer the rema ection and s II.	stions, ining o	you need questions	l	
	4.	That	the Defer	ndants exercis	sed rea	sonable c	are to prev	vent and
corre	ct pro	mptly	any racia	lly harassing	behavi	or in the w	orkplace?	
		Answ	ver Yes or	· No	7	0	-	

	5.	That Plaintiff unreasonably failed	d to take advantage of any
preve	entive	or corrective opportunities provid	ed by the Defendant to avoid or
corre	ct the	harm?	
		Answer Yes or No	No
	Note		kip the following questions in
	6.	That Plaintiff Ortega should be a	warded damages to
comp	ensat	e for emotional pain and mental	anguish?
		Answer Yes or No	Yes
	7.	If you have awarded damages in	n the preceding question, do you
find t	hat pu	nitive damages should be asses	sed against Defendants based
upon	Defer	ndants' malice or reckless indiffer	ence to the Plaintiff's federally
prote	cted r	ights?	
		Answer Yes or No	No

#### **SECTION II**

### CLAIMS OF RETALIATION FOR COMPLAINTS OF RACE AND/OR NATIONAL ORIGIN

#### **DISCRIMINATION**

### Do you find from a preponderance of the evidence:

- A. With regard to Plaintiff Reyna:
- 1. That a substantial motivating factor in Plaintiff Reyna's termination was her complaints of race and/or national origin discrimination?

Answer Yes or No  $\underline{\qquad \qquad } e \underline{\qquad }$ 

- Note: If you answered No to the preceding question, you need not answer the remaining questions in this sub-section and should go to sub-section B.
- 2. That Defendants proved they would have taken the same adverse personnel action that is, terminated Plaintiff Reyna despite her complaints?

Answer Yes or No \_\_\_\_\_\_\_

Note: If you answered Yes to the preceding question, you need not answer the remaining questions in this sub-section and should go to sub-section B.

3.	That Plaintiff Reyna should be awarded damages to	
compensa	ate for a net loss of wages and benefits to the date of trial?	
	Answer Yes or No	
4.	That Plaintiff Reyna should be awarded damages to	
compensa	ate for emotional pain and mental anguish?	
	Answer Yes or No Yes	
5.	That punitive damages should be assessed against Defenda	ınts
based upo	on Defendants' malice or reckless indifference to the Plaintiff's	
federally p	protected rights?	
	Answer Yes or No $\forall \ell^{\leq}$	

### B. With regard to Plaintiff Ortega:

1. That a substantial motivating factor in Plaintiff Ortega's termination was her complaints of race and/or national origin discrimination?

Answer	Yes	or	No
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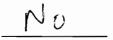
Yes	
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Note:

If you answered No to the preceding question, you need not answer the remaining questions in this section and should go to Section III.

2. That Defendants proved they would have taken the same adverse personnel action – that is, terminated – Plaintiff Ortega despite her complaints?

Answer Yes or No

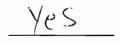


Note:

If you answered Yes to the preceding question, you need not answer the remaining questions in this section and should go to Section III.

3. That Plaintiff Ortega should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No



4.	That Plaintill Oftega should be awarded damages to
compensa	te for emotional pain and mental anguish?
	Answer Yes or No <u>Yes</u>
5.	That punitive damages should be assessed against Defendants
based upo	n Defendants' malice or reckless indifference to the Plaintiff's
federally p	rotected rights?

Answer Yes or No

Yes

### **SECTION III**

### CLAIMS OF RETALIATION FOR COMPLAINTS OF AGE DISCRIMINATION AND/OR

### **OVERTIME VIOLATIONS**

Α.	With	regard	to	Plaintiff	Reyna:

A. With	regard to Plaintiff Reyna:		
1.	That a substantial or motivation	ng factor ir	Plaintiff Reyna's
terminatio	n was her complaints of age dis	scriminatio	n and/or overtime
violations?			
	Answer Yes or No	Yes	
<u>Note</u> :	If you answered No to the p you need not answer the re this sub-section and should	maining q	uestions in
	If your answer is yes, state w	hether the	factor was:
	Complaints of age discrimina	tion	No
	Complaints of overtime discri	mination	<u>yes</u>
	Or both		
2.	That Defendants proved they	would hav	e taken the same
adverse pe	ersonnel action – that is termin	ated – Plai	rıtiff Reyna despite hei
complaints	s?		
	Answer Yes or No	No	

Note:

If you answered Yes to the preceding question, you need not answer the remaining questions in this sub-section and should go to sub-section B.

3. That Plaintiff Reyna should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No

<u>Yes</u>

4. That a Defendant knew or showed reckless disregard for whether its conduct was prohibited by law?

Answer Yes or No

yes\_

<li>B. With regard to Plaintiff Orteg</li>	B.	With	regard	to F	Plaintiff	Ortega
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1.	That a substantial or motivating factor in	Plaintiff Ortega's
termination	was her complaints of age discrimination	and/or overtime
violations?		
	Answer Yes or No Yes	
Note:	If you answered No to the preceding q you need not answer the remaining qu this section and should go to Section	estions in
	If your answer is yes, state whether the fa	actor was:
	Complaints of age discrimination	No Yes
	Complaints of overtime discrimination	yes_
	Or both	
2.	That Defendants proved they would have	a takan tha sama
۷.	That Defendants proved they would have	taken the same
adverse pe	ersonnel action – that is terminated – Plair	itiff Ortega despite her
complaints	?	
	Answer Yes or No	

Note:

If you answered Yes to the preceding question, you need not answer the remaining questions in this section and should go to section IV.

3.	That Plaintiff Ortega should	be awarded damages to
compensa	te for a net loss of wages and	benefits to the date of trial?
	Answer Yes or No	Yes
4.	That a Defendant knew or sh	nowed reckless disregard for
whether its conduct was prohibited by law?		
	Answer Yes or No	Yes

### **SECTION IV**

### CLAIMS OF RETALIATION FOR COMPLAINTS OF FRAUD IN VIOLATION OF THE

### **SARBANES-OXLEY ACT**

Α.	With	Regard to Plaintiff Reyna:	
	1.	That Plaintiff Reyna reported pra	actices which she reasonably
belie	ved co	onstituted mail or wire fraud in vio	lation of federal law?
		Answer Yes or No	Yes
	2. That Defendants knew of these reports?		
		Answer Yes or No	Yes
	3.	That Plaintiff Reyna's reports we	re a contributing factor in her
term	inatior	1?	
		Answer Yes or No	Yes
	Do	you find by <i>clear and convi</i>	ncing evidence:
	4.	That Defendants would have tak	en the same adverse personnel
actic	n – th	at is, terminated – Plaintiff Reyna	despite her reports of fraud?
		Answer Yes or No	No
<u>Note</u>	<u>9</u> :	If you answered Yes to the pre you need not answer the rema	ining questions in

6.	That Plaintiff Reyna sho	ould be awarded damages to
compens	ate for a net loss of wage	s and benefits to the date of trial?
	Answer Yes or No	<u>Yes</u>

# B. With regard to Plaintiff Ortega:

1.	That Plaintiff Ortega reported	practices which she reasonably
believed co	onstituted mail or wire fraud in	violation of federal law?
	Answer Yes or No	Yes_
2.	That Defendants knew of the	se reports?
	Answer Yes or No	Yes
3.	That Plaintiff Ortega's reports	were a contributing factor in her
termination	?	
	Answer Yes or No	Yes
ı	Do you find by <i>clear and</i>	convincing evidence:
5.	That Defendants would have	taken the same adverse personnel
action – that is, terminated – Plaintiff Ortega despite her reports of fraud?		
	Answer Yes or No	No
<u>Note</u> :	If you answered Yes to the you need not answer the re this section and should go	maining questions in

6.	That Plaintiff Ortega sl	nould be awarded damages to
compensa	ate for a net loss of wage	es and benefits to the date of trial?
	Answer Yes or No	<u>     Yes          </u>

#### **SECTION V**

#### DAMAGES

- A. Compensatory Damages
  - 1. Emotional Pain and Mental Anguish
    - a. If you answered "yes' to questions I(A)(6) or II(A)(4), what amount of damages for emotional pain and mental anguish do you award to Plaintiff Scarlet Reyna?

      \$\_22,500
    - b. If you answered "yes" to questions I(B)(6) or II(B)(4) what amount of damages for emotional pain and mental anguish do you award to Plaintiff Maria Ortega?

      \$ 22,500
  - 2. Lost Wages and Benefits
    - If you answered "yes" to questions II(A)(3), III(A)(3), or IV(A)(6), what amount of damages for lost wages and benefits do you award to Plaintiff Scarlet Reyna?

      \$ 73,059,93

### B. Punitive Damages

If you have answered "yes" to question I(A)(7), I(B)(7), II(A)(5), or II(B)(5) indicating that punitive damages should be assessed against Defendants, what amount do you find should be assessed against Defendants as punitive damages:

SO SAY WE ALL

This <u>23rd</u> day of <u>October</u>, 2007.

Jury Foreperson